

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

United States of America,

Plaintiff,

v.

Antonio Ceron-Santos,

Defendant.

ORDER

Crim. No. 13-87 (01) (MJD)

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This matter is before the Court on Defendant's *pro se* motion for appointment of counsel to assist him in preparing and filing a motion for modification of sentence pursuant to 18 U.S.C. § 3582(c)(2). Because the underlying motion for a sentence reduction has no merit, the motion for appointment of counsel will be dismissed as moot.

On June 14, 2013, Defendant pled guilty to Count 1 of the Indictment which charged aiding and abetting possession with intent to distribute 500 grams or more of methamphetamine in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(A) and 18 U.S.C. § 2. On November 7, 2013, Defendant appeared before the Court for sentencing. The Court found that the total offense level was 33 and that Defendant's criminal history category was I, resulting in a guideline range of 135-168 months. The Court varied downward from the applicable range and

sentenced Defendant to a term of imprisonment of 90 months.

Defendant seeks to file a motion for a sentence reduction based on Amendment 782 to the Sentencing Guidelines which lowered the drug quantity base offense levels applicable to certain drug offenses. The Court finds, however, that Defendant is not eligible for a sentence reduction as he was sentenced to a term of imprisonment that is below the amended guideline range for Count 1, which is 108-135 months.

IT IS HEREBY ORDERED that Defendant's Motion for Appointment of Counsel [Doc. No. 68] is DENIED.

Date: December 9, 2015

s/ Michael J. Davis

Michael J. Davis

United States District Court